

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANIEL WILLIAM NEWELL,

Plaintiff,

against

CORRECTION OFFICER YAKUBU,

Defendant.

CIVIL ACTION NO.: 19 Civ. 8912 (MKV) (SLC)

**ORDER RECOMMENDING DISMISSAL**

**SARAH L. CAVE**, United States Magistrate Judge:

On December 12, 2019, this Court directed Plaintiff Daniel Newell to complete and return his medical releases to Defendant by January 9, 2020. (ECF No. 18). Plaintiff failed to do so, and was again ordered to complete and return the medical releases, this time by March 20, 2020. (ECF No. 21). By Letter dated March 31, 2020, Defendant Correction Officer Yakubu informed the Court that he had still not received Plaintiff's medical releases. (ECF No. 23).

On April 1, 2020, the Court entered an Order to Show Cause, directing Plaintiff to explain by May 1, 2020 why the case should not be dismissed for failure to prosecute. Plaintiff again failed to respond. Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action sua sponte for failure to prosecute after notifying the plaintiff. LeSane v. Hall's Sec. Analyst, Inc., 239 F.3d 206, 209 (2d Cir. 2001); see Fields v. Beem, No. 13 Civ. 5 (GTS) (DEP), 2013 WL 3872834, at \*2 (N.D.N.Y. July 24, 2013) ("A plaintiff is required to notify the Court when his address changes, and failure to do so is sufficient to justify dismissal of a plaintiff's complaint.") (collecting cases).

Accordingly, the Court respectfully recommends that this matter be dismissed without prejudice.

Dated: New York, New York  
May 8, 2020

SO ORDERED

  
SARAH L. CAVE  
United States Magistrate Judge